

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. JOHN P. LEARY, Defendant.	MEMORANDUM DECISION AND ORDER Case No. 2:03 CR 458 TC
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Defendant John P. Leary has filed a motion seeking appointment of counsel and has also requested a hearing concerning his request that this court stay all forfeiture actions. Defendant's motion for appointment of counsel and Defendant's request for a hearing are DENIED.

The court has broad discretion to appoint counsel for indigent. See Williams v. Meese, 926 F.2d 994, 996 (10th Cir. 1991); Powell v. Hoover, 956 F. Supp. 564, 565 (M.D. Pa. 1997). "In determining whether to appoint counsel, the district court should consider a variety of factors, including the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims." Williams, 926 F.2d at 996. After careful consideration of these factors and the materials submitted by Defendant, the court concludes that appointment of counsel is not warranted. The issues in this case are not unduly complex and Defendant is not incapacitated or unable to adequately function in pursuing this matter.

Further, the court determines that a hearing addressing Defendant's request for a stay of forfeiture actions is not necessary as the court is capable of resolving the present issue on the basis of the materials submitted by the parties.

For all the foregoing reasons, Defendant's Motion to Appoint Counsel is DENIED and Defendant's Request for Hearing is DENIED.

DATED this 7th day of February, 2006.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
United States District Judge